

07-17-06

IFW



Docket No.: 56075CIPC(45858)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Galina N. Fomovskaia et al.

Application No.: 10/676,872

Confirmation No.: 7999

Filed: September 30, 2003

Art Unit: 1637

For: FTA-COATED MEDIA FOR USE AS A
MOLECULAR DIAGNOSTIC TOOL

Examiner: C. B. Wilder

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed June 14, 2006, applicant hereby provisionally elects claims 4-8 and 12-17 for continued examination, with traverse.

The Examiner has required restriction between:

I. Claims 4-8 and 12-17, drawn to a dry substrate and kit (class 422, subclass 68.1); and

II. Claims 9-11 and 18-36, drawn to methods of purifying nucleic acid (class 435, subclass 6).

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the

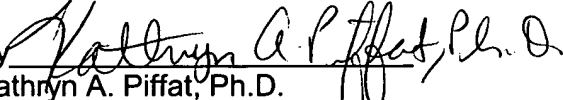
inventions are not independent. For example, there is significant overlap in the subject matter of the claims.

If the Examiner is aware of another method to make the product as claimed, using a process which is materially different from that set forth in the restricted claims, applicant respectfully requests the Examiner to substantiate his position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 4-36 presently pending in this application be examined.

Applicants believe that no extension of time is required. If an extension of time is required, Applicants hereby request the Examiner to consider this a conditional petition for an extension of time. Although it is not believed that any additional fee (in addition to any fee concurrently submitted) is required to consider this submission, the Commissioner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Dated: July 13, 2006

Respectfully submitted,

By 
Kathryn A. Piffat, Ph.D.

Registration No.: 34,901

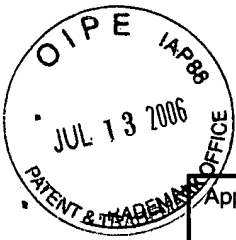
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Attorney Docket No.: 56075CIPC(45858)

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Response to Restriction Requirement (with Traverse) (2 pages)
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